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Federal Insurance Company*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NAKASH SHOWCASE II, LLC; SG
VEGAS OWNER, LLC; and GC VEGAS
RETAIL, LLC,

Plaintiffs,

v.

FEDERAL INSURANCE COMPANY,

Defendant.

Case No. 2:21-cv-00540-KJD-DJA

**STIPULATION AND ORDER TO
REMAND CASE TO STATE COURT**

Plaintiffs Nakash Showcase II, LLC; SG Vegas Owner, LLC; and GC Vegas Retail, LLC (collectively “Plaintiffs”) and Defendant Federal Insurance Company (“Defendant”) (collectively the “Parties”), by and through their respective counsel of record hereby agree and stipulate to remand this action to Nevada State Court. Good cause exists for this stipulation as follows:

1. On February 10, 2021, Plaintiffs filed their Complaint against Defendant in the Eighth Judicial District Court, Clark County, Nevada, Case Number A-21-829284-B (the “State Court Action”).

2. On April 2, 2021, Defendant filed a Petition for Removal with this Court and the Eighth Judicial District Court to remove the State Court Action to this Court claiming diversity

1 of citizenship as the grounds thereof. (ECF No. 1). Defendant's petition was based on both the
2 jurisdictional allegations contained in the Complaint as well as its own due diligence search to
3 determine the citizenship of the Plaintiff LLCs. *Id.*

4 3. On April 9, 2021, Defendant filed a Motion to Dismiss Plaintiffs' complaint in
5 this Court. (ECF No. 5). The parties subsequently stipulated to extend the briefing schedule
6 related to that Motion on two occasions. (ECF Nos. 7/8 and 12/13).

7 4. The aforementioned stipulations to extend the briefing schedule on the Motion to
8 Dismiss were based on ongoing discussions concerning whether diversity of citizenship exists
9 in this case.

10 5. Plaintiffs have provided documentation suggesting that an ultimate owner of at
11 least one of the Plaintiff LLCs is a citizen of New Jersey, a state in which Defendant is also
12 citizen.

13 6. Because it presently appears that at least one Plaintiff and Defendant are citizens
14 of the same state for the purposes of diversity jurisdiction, there is presently no diversity of
15 citizenship and that this Court appears to lack subject matter jurisdiction over this matter.
16 Accordingly, the parties hereby stipulate to remand this action to the Eighth Judicial District
17 Court, case no. A-21-829284-B.

18 7. The parties further agree and stipulate that Defendant shall have 45 days
19 following Plaintiffs' filing of Written Notice of Entry of this Court's Remand Order in the Eighth
20 Judicial District Court to file a Motion to Dismiss pursuant to Nevada's Rules of Civil Procedure.
21 Plaintiffs' Opposition to a Motion would be due 30 days following filing and service of the
22 Motion. Defendant's Reply would be due 21 days following filing and service of an Opposition.

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1 8. The parties further agree to submit a stipulation to the Eighth Judicial District
2 Court, reflecting the schedule provided in paragraph 7, following remand.

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4 The parties respectfully request that the court so order.

5 Dated: June 10, 2021

Dated: June 10, 2021

6
7 **DAVIS|STIBOR**

CLYDE & CO LLP

8 /s/ Shan Davis

/s/ Amy M. Samberg

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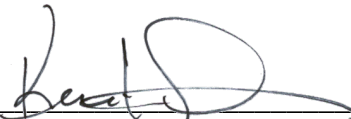
12 *Attorneys for Plaintiffs*

Attorneys for Defendant

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15 **ORDER**

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17 IT IS SO ORDERED.

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19 DATED this 11th day of June 2021.

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22 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **STIPULATION AND ORDER TO REMAND CASE TO STATE COURT** was served this date by the method indicated:

- ☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document(s).
- ☐ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.
- ☒ **BY ELECTRONIC SERVICE:** submitted to the above-entitled Court for electronic service upon the Court's Service List for the above-referenced case.
- ☐ **BY EMAIL:** by emailing a PDF of the document listed above to the email addresses of the individual(s) listed below.

Dated this 10th day of June 2021.

/s/ Regina Brouse

An Employee of Clyde & Co LLP